



February 5, 2016

To Whom It May Concern:

This letter is a request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, submitted on behalf of the Electronic Frontier Foundation (EFF). We make this request to the Environmental Protection Agency as part of an ongoing effort to obtain government documents and make them widely available to the public.

Section 6 of the Reducing Over-Classification Act, P. L. 111-258 states:

(a) INCENTIVES FOR ACCURATE CLASSIFICATIONS.—In making cash awards under chapter 45 of title 5, United States Code, the President or the head of an Executive agency with an officer or employee who is authorized to make original classification decisions or derivative classification decisions may consider such officer's or employee's consistent and proper classification of information.

In connection with this provision, we request:

1. All agency records containing criteria or metrics for receiving a cash incentive under Section 6 of the Reducing Over-Classification Act from the period Oct. 7, 2010 through February 1, 2016, including definitions or explanations or suggested definitions or explanations of the criteria or metrics for assessing "consistent and proper classification of information," regardless of whether used or proposed by your agency.
2. Documents that show the number of cash incentives awarded, the amount and date for each cash incentive, and the total amount allocated for cash awards related to Section 6 of the Reducing Over-Classification Act for the period Oct. 7, 2010 through February 1, 2016.
3. All documents describing the justification for each cash incentive awarded under the Reducing Over-Classification Act for the period Oct. 7, 2010 through February 1, 2016.
4. All documents used to promote the Reducing Over-Classification Act cash incentive program to employees for the period Oct. 7, 2010 through February 1, 2016.
5. All reports outlining, evaluating, or otherwise documenting the efficacy of cash incentive programs under Section 6 of the Reducing Over-Classification Act for the period Oct. 7, 2010 through February 1, 2016.

In accordance with FOIA, we request that where available and appropriate, responsive records are provided electronically in their native format, or as text-searchable PDFs, and that the parent/child relationship between records is preserved.

815 Eddy Street • San Francisco, CA 94109 USA

*voice* +1 415 436 9333

*fax* +1 415 436 9993

*web* [www.eff.org](http://www.eff.org)

*email* [information@eff.org](mailto:information@eff.org)



**ELECTRONIC FRONTIER FOUNDATION**

Protecting Rights and Promoting Freedom on the Electronic Frontier

## **News Media Fee Waiver**

EFF requests that it not be charged search or review fees because it qualifies as a representative of the news media, pursuant to FOIA and the applicable federal regulations, and has been recognized by the Department of Homeland Security and other federal agencies as such.

EFF maintains a frequently visited web site that reports on the latest developments of, and provides in-depth analysis on, a variety of civil liberties and intellectual property issues. EFF posts documents received in response to FOIA requests here, along with commentary. See <https://www.eff.org/issues/foia>.

EFF's newsletter, EFFector, has been published since 1990 and is now sent to over 280,000 subscribers. An archive of past EFFectors is available at <https://www.eff.org/effector>. EFF also maintains a popular blog, Deeplinks, and has produced a series of white papers on diverse issues such as electronic voting, free speech, and intellectual property.

Due to these extensive publication activities, EFF is a "representative of the news media" under the FOIA and agency regulations.

## **Public Interest Fee Waiver**

EFF is entitled to a waiver of search and duplication fees because disclosure of the requested information is in the public interest within the meaning of FOIA.

EFF will make the information obtained under the FOIA available to the public and the media through its web site and newsletter, which highlight developments concerning privacy and civil liberties issues. Because EFF is a representative of the news media, EFF's request presumptively satisfies this criterion.

Finally, a fee waiver is appropriate here because EFF has no commercial interest in the disclosure of the requested records. EFF is a 501(c)(3) nonprofit organization, and will not derive commercial benefit from the information at issue here.

Thank you for your consideration of this request. As the FOIA provides, I will anticipate a determination with respect to the disclosure of requested records within 20 working days. If you have any questions or concerns, do not hesitate to contact me.

Sincerely,

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Dave Maass  
Investigative Researcher

815 Eddy Street • San Francisco, CA 94109 USA

*voice* +1 415 436 9333

*fax* +1 415 436 9993

*web* [www.eff.org](http://www.eff.org)

*email* [information@eff.org](mailto:information@eff.org)